

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**March 3, 2010**

DIVISION ONE

B212206      People  
v.  
Ventura

Filed order denying petition for rehearing.

DIVISION TWO

B217334      People                          (Not for Publication)  
v  
R.M.

The order of wardship is reversed and modified by striking the order setting a one-year maximum term of confinement and modifying probation condition No. 47, to read as follows: “The minor shall only have peaceful contact with the victim, which means, not harassing, molesting, threatening, injuring, intimidating, attacking, battering, assaulting, sexually assaulting, stalking, destroying the personal property of, unlawfully disturbing the personal property of, or blocking the movements of the victim.” In all other respects, the order of wardship is affirmed. The juvenile court is directed to correct the minute order of the disposition hearing accordingly.

Ashmann-Gerst, J.

We concur:   Boren, P.J.  
                  Doi Todd, J.

DIVISION TWO (continued)

B214027      City of Laguna Beach      (Certified for Publication)  
v.  
California Insurance Guarantee Association

The judgment is affirmed. CIGA shall recover its costs on appeal.

Ashmann-Gerst, J.

We concur:    Doi Todd, Acting P.J.  
Chavez, J.

DIVISION THREE

B208738      Cussler, et al.      (Not for Publication)  
v.  
Crusader Entertainment, LLC

Except as provided herein, the judgment is affirmed. The judgment is reversed with respect the \$5 million award to Crusader in connection with its cause of action for breach of the implied covenant and good faith and fair dealing. The judgment is also reversed with respect to the trial court's findings that Crusader is the prevailing party and that Crusader is entitled to recover costs. The case is remanded to the trial court so that it can determine whether there is a prevailing party and, if so, whether that party is Cussler or Crusader. If the trial court determines that there is a prevailing party, it should also determine the amount of costs, if any, that party should recover. The parties are to bear their own costs on appeal.

Kitching, J.

We concur:    Croskey, Acting P.J.  
Aldrich, J.

March 3, 2010 (Continued)

DIVISION THREE (continued)

B217102      In re Freddy Mille on Habeas Corpus      (Not for Publication)

The order to show cause is discharged. The petition for writ of habeas corpus is denied as moot.

Klein, P.J.

We concur:    Kitching, J.  
                 Aldrich, J.

DIVISION FIVE

B217141      Oasis West Realty      (Certified for Publication)  
                 v.  
                 Kenneth Goldman

The judgment is reversed. Appellant(s) to recover costs.

Armstrong, J.

We concur:    Turner, P.J.  
                 Kriegler, J.

B219142      People      (Not for Publication)  
                 v.  
                 Joseph Conto

The judgment is modified to reflect a total of \$40 in court security fees. The judgment, s modified, is affirmed. Upon remittitur issuance, the superior court clerk shall amend the abstract of judgment and forward a certified copy to the Department of Corrections and Rehabilitation.

Wiesman, J. (Assigned)

We concur:    Mosk, Acting P.J.  
                 Kriegler, J.

DIVISION FIVE (continued)

B217320 Los Angeles County, D.C.F.S. (Not for Publication)

v.

K.H.

In re L.H., A Person Coming Under the Juvenile Court Law.

The juvenile court's order terminating mother's reunification services with respect to S. is reversed. The matter is remanded to the juvenile court for a hearing in compliance with section 366.21, subdivision (f)

Mosk, J.

I concur: Kriegler, J.

I dissent: Turner, P.J. (Opinion)

B213083 Bridal Images

v.

Truck Insurance Exchange

Filed order denying petition for rehearing.

DIVISION SIX

B216120 People (Not for Publication)

v.

Aguilar

The judgment is affirmed. The 10-year gang enhancement imposed pursuant to section 186.22, subdivision (b)(1) is ordered stricken. The superior court is directed to amend the abstract of judgment to reflect the striking of the enhancement and to show that the 15-year minimum parole eligibility provision in section 186.22, subdivision (b)(5) applies and to forward a certified copy of the amended abstract to the California Department of Corrections and Rehabilitation.

Coffee, J.

We concur: Gilbert, P.J.

Yegan, J.

March 3, 2010 (Continued)

DIVISION SIX (continued)

B215916      People                                (Not for Publication)  
v.  
Ivery Lyn Bryant

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.  
Yegan, J.

B215741 People (Not for Publication)  
v.  
Perodin

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.  
Perren, J.

[illegible]

The judgment is affirmed.

Gilbert, P.J.

We concur: Coffee, J.  
Perren, J.

DIVISION SIX (continued)

B209571      Wood      (Not for Publication)

v.

Assisted Home Hospice, et al.

We reverse and remand for retrial on the issue of vacation pay. The award of attorney's fees is vacated, and the trial court is directed to calculate reasonable attorney's fees on the overtime claim. In all other respects, the judgment is affirmed. The parties are to bear their own costs on appeal.

Coffee, J.

We concur:   Gilbert, P.J.  
                     Yegan, J.

B210291      People      (Certified for Publication)

v.

Nitschmann

The judgment is affirmed.

Yegan, J.

We concur:   Gilbert, P.J.  
                     Coffee, J.

B216819      Bray      (Not for Publication)

v.

Valverde, as Director, etc.

The order is affirmed. Respondent is awarded costs on appeal.

Perren, J.

We concur:   Gilbert, P.J.  
                     Yegan, J.

DIVISION SIX (continued)

B214507 Santa Barbara County Department of Social Services  
B215253 v.  
G.S., et al.

In the Matter of P.M., a Person Coming Under the Juvenile Court Law

Filed order denying petitions for rehearing.

DIVISION SEVEN

B216408 Los Angeles County, D.C.F.S. (Not for Publication)  
v.  
Charles P., et al.

The order is affirmed.

Jackson, J.

We concur: Perluss, P.J.  
Zelon, J.

B211969 Hector Mendoza (Certified for Publication)  
v.  
Sara Ramos

The order is affirmed. Each party is to bear its own costs.

Zelon, J.

We concur: Perluss, P.J.  
Woods, J.

DIVISION SEVEN (continued)

B209189      HJF, Inc., et al.                      (Not for Publication)  
                 v.  
                 Bleau, Fox & Associates, et al.

The judgment is reversed. The matter is remanded to the trial court with directions to enter a new and different order denying Bleau, Fox's motion. HJF and Sitara are entitled to their costs of appeal.

Woods, J.

We concur:   Perluss, P.J.  
                     Zelon, J.

B207039      People                                      (Not for Publication)  
                 v.  
                 Hector Orozco

We vacate the unauthorized sentence on count 4 and correct it to reflect imposition of the full two-year middle term to run concurrently with count 1 (People v. Quintero (2006) 135 Cal.App.4th 1152, 1156, fn.3), and order the trial court to amend the court minutes and abstract of judgment accordingly; the clerk is to then forward a copy of the amended abstract of judgment to the California Department of Corrections and Rehabilitation. In all other respects the judgment is affirmed.

Woods, J.

We concur:   Perluss, P.J.  
                     Zelon, J.



March 3, 2010 (Continued)

DIVISION SEVEN (continued)

B210969      K.C. Investment Company      (Not for Publication)  
                 v.  
                 Emily Kovnatsky

The judgment is affirmed. Plaintiff is to recover costs on appeal.

Jackson, J.

We concur:    Woods, Acting P.J.  
                 Zelon, J.

B217547      People      (Not for Publication)  
                 v.  
                 Gregory H.

The order is affirmed.

Zelon, J.

We concur:    Perluss, P.J.  
                 Jackson, J.

DIVISION EIGHT

Court convened at 9:35 a.m.

Present: Bigelow, P.J., Rubin, J., Lichtman, J. (Assigned) and Emma Jean Amos, Deputy Clerk.

B213695      People  
                 v.  
                 Alfonso Martindale

Merits:

Argued by Christopher Nalls for appellant and by Lance Winters, deputy attorney for respondent. Cause submitted.

Court adjourned